



June 20, 2011

**BY E-MAIL AND HAND DELIVERY**

Susan L. Kimmel, Deputy Chief  
Disability Rights Office  
Consumer & Governmental Affairs Bureau  
Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

Re: Informal Complaint No. 11-C00293935-FC  
WAFB-TV (Ms. Barbara Burton)

Dear Ms. Kimmel:

WAFB License Subsidiary, LLC, licensee of WAFB(TV), Baton Rouge, Louisiana ("WAFB" or the "Station"), hereby responds to the closed captioning complaint of Baton Rouge resident Ms. Barbara Burton, forwarded to the Station with an "Official Notice of Informal Complaint" dated May 20, 2011. The complaint states that on March 29, 2011 at 7:39 p.m., "[d]uring severe weather alert the emergency alert crawl was obscured by program captioning."

At that time, the Station was airing the CBS network program NCIS. It is the Station's practice to pass through the captioning of CBS programming unaltered. Due to a malfunction in the Station's Volicon Observer electronic video archives, the Station regrets that it does not have a recording of the airing of the NCIS program from which it is able to confirm if a weather crawl ran at 7:39 p.m. on March 29 and if it did air, the precise content of any such crawl.<sup>1</sup> In mid-April 2011, the Volicon system experienced a complete failure in two of its three hard drives that, due to the storage method used by the system, rendered all video data stored

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<sup>1</sup> WAFB has been able to confirm that it did not log or air any EAS messages on the date in question.

on the drives irretrievable. Although Station Chief Engineer Dale Russell worked with the vendor to attempt to retrieve the lost video data, including the video data encompassing the date in question, their efforts were unsuccessful. The result of the hard drive failure is that all video archives recorded on the Volicon prior to May 18, 2011, the date of the system's repair and re-activation, are now irretrievable. The Station investigated whether it could obtain a recording of its broadcast at the time in question from a clipping service, but those efforts also were unsuccessful.<sup>2</sup>

As a matter of general practice, the Chief Meteorologist or another member of the WAFB weather team can utilize the Station's WSI weather computer to initiate weather update crawls. As a normal practice, and as a service to its community, weather staff initiate weather update crawls for Baton Rouge or the outlying parishes in WAFB's coverage area based on advisories from the National Weather Service. We have determined that two National Weather Service alerts were in effect for WAFB's parishes during the time in question. A severe thunderstorm warning was issued for Pointe Coupee Parish at 7:20 p.m. which remained in effect until 8:15 p.m. and a tornado watch was issued at 3:20 p.m. which remained in effect until 10:00 p.m. for Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, and West Feliciana Parishes.<sup>3</sup>

In response to complainant's expressed concern that WAFB guard against captioning blocking weather crawls, we want to outline the Station's current procedures to avoid such blocking. Under these procedures, when WAFB's weather team decides to initiate a weather crawl, they are instructed to alert the technical operator on duty, who is able to observe the location of the captioning on the screen and control the location of the weather crawl. To help avoid human error, WAFB has adjusted its equipment for a default setting (which can be changed by the operator on duty) designed to generate the crawl in the upper level of the screen since most captioning aired on WAFB (including captioning it passes through from

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<sup>2</sup> WAFB regrets that it is unable to provide a recording of the program segment in question as requested in the Notice of Informal Complaint.

<sup>3</sup> Based on a review of our records and to the best of our recollection, the Station was not contacted by the complainant or another viewer to report a problem with closed captioning blocking a weather update crawl on March 29 or on another occasion.

# LOUISIANA'S NEWS CHANNEL



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the CBS network) is not shown in that portion of the screen. Operators have been instructed that when a crawl runs, they should monitor the crawl, as well as the captioning, to ensure that the captioning does not block the crawl (as well as vice versa). If a problem is observed, the operator is directed to take prompt remedial action and to note the occurrence on a discrepancy report. (Of course, if a viewer chooses to use the features in his or her television to alter the normal location of the closed captioning, such a change would be unknown to the Station and beyond its ability to accommodate.)

WAFB appreciates the opportunity to respond. If the Bureau requires any additional information about this matter, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Sandy Breland'.

Sandy Breland

Vice President & General Manager

cc: Ms. Francine Crawford, Consumer & Governmental Affairs Bureau (via e-mail)  
Ms. Barbara Burton (via e-mail and postal mail)